

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 24, 2001

DIVISION ONE

B140674 Szyszkowski et al. (Not for Publication)
 v.
 Truck Insurance Exchange

The judgment is affirmed. Truck's motion for sanctions is granted. Szyszkowski and attorney Newson are jointly and severally ordered to pay to Truck \$900 in attorney fees. (*In re Marriage of Flaherty, supra*, 31 Cal.3d 637.) Truck also shall recover its costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

B144358 People (Not for Publication)
 v.
 Byron Alberto Morales

The judgment is modified to strike defendant's award of 247 days precommitment credit and to impose in its place an award of 248 days, consisting of 216 days of actual custody credit and 32 days of conduct credit. The superior court is directed to send an amended abstract of judgment to the Department of Corrections reflecting such modification. As modified, the judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION ONE (Continued)

B140331 People (Not for Publication)
v.
Vicente Becerra, Jr.

The true findings on the Penal Code section 186.22, subdivision (b)(1) enhancements as to all counts are vacated. The matter is remanded for a new trial on the enhancements and for a new sentencing hearing. In all other respects, the judgment is affirmed.

Ortega, Acting P.J.

We concur: Ortega, Acting P.J.
Mallano, J.

B141492 Kyungza Namkoong et al. (Not for Publication)
v.
Magnolia Gardens Convalescent Hospital et al.

We affirm the challenged order. Plaintiffs are entitled to their appellate costs.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B141261 People (Not for Publication)
v.
Norman Timothy Gregory

The judgment is affirmed.

Ortega, Acting P.J.

I concur: Vogel (Miriam A.), J.
I dissent: Mallano, J. (Opinion)

DIVISION ONE (Continued)

B144605 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Latochia W., et al.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B145618 People (Not for Publication)
v.
Normand Ascot

The order denying Ascot's petition for writ of error coram nobis is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B141516 Sonia M. Mercado (Not for Publication)
v.
Robert S. Inouye

The judgment is affirmed. Mercado's request for sanctions is denied, but she is entitled to her costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION ONE (Continued)

B146803 Ronald T., Sr. (Not for Publication)
 v.
 Superior Court, Los Angeles County

The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J., McKnew, J. (Assigned) and G. Villanueva, Deputy Clerk.

B140195 Barnett
 v.
 Penske Truck Leasing

Merits:
Argued by Maxine Lebowitz for respondent. No appearance for appellant.
Cause submitted.

B137356 Jones
 v.
 Farmers Insurance

Merits:
Argued by Nikki Fong for appellant and by Peter Abrahams for respondents. Cause submitted.

DIVISION TWO (Continued)

B141137 Connelly
 v.
 Dwan

Merits:

Argued by A. Lee Adair for appellant and by Joseph Dicochea for respondent. Cause submitted.

B135917 Gerrity
 v.
 Fidelity National

Merits:

Argued by Brian Stewart for appellant and by Harry Gerrity respondent in propria persona. Cause submitted.

B140467 Dupre
 v.
 Calendo

Merits:

Argued by Henry Josefsberg for appellant and by Rosa Cumare for respondent. Cause submitted.

B140275 Parsa
 v.
 Kavoussi

Merits:

Argued by Clifford Roberts, Jr. for appellant and by Geoggrey Gold for respondent. Cause submitted.

DIVISION TWO (Continued)

B131258 Robinson et al.
v.
City of Los Angeles

Merits:

Argued by Gregory Orland for appellant, by Van Do for respondent Robinson and by Drew Antablin for respondent Lagorio. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J., McKnew, J. (Assigned) and G. Villanueva, Deputy Clerk.

Each of the following:

B146001 People v. Gilmore
B145963 People v. Ellis
B140872 People v. Moreno
B144631 People v. Yates
B141963 People v. Dandridge
B143887 People v. Fields
B142681 People v. Garcia
B142723 People v. Gallon
B143748 People v. Clayton
B138275 Dupre v. Calendo
B138003 People v. Sullivan
B142931 People v. Loza
B147059 People v. Markeith W.
B143247 In Re: Ronita J.
B144758 People v. Smith
B145130 In the Matter of: Destiny L.
B144794 In the Matter of: Antonio C.
B141069 In the Matter of: Julian C.
B148562 Marlen R. v. S.C.L.A.
B142583 People v. Mejia
B141200 People v. Harbor
B125654 People v. Shallowhorn et al.
B146005 People v. Flores

Argument waived, cause submitted.

DIVISION TWO (Continued)

B133183 Delaware Titan
 v.
 City Cab

Merits:
Argued by John Gantus for appellant and by Frederick Hurst for
respondent. Cause submitted.

B132444 Martin
 v.
 Andrews

Merits:
Argued by Bruce Altschuld for appellant and by Linda Chalison for
respondent. Cause submitted.

B139450 Fisher
 v.
 Gibson

Merits:
Argued by Dana Cole for appellant and by Paul Dye for respondent. Cause
submitted.

B144386 People
 v.
 Walter Lee S.

Merits:
Argued by Edward Haggerty for appellant and by Scott Quan, deputy
attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B143309 Shinkle
v.
City of Los Angeles

Merits:

Argued by Richard Fine for appellant and by Christine McCall, deputy city attorney, for respondent. Cause submitted.

B147497 Devine et al.
v.
Superior Court, Los Angeles County
(Business Newtworks, r.p.i.)

Mandate:

Argued by John Zemanek for petitioner and by Martin Deniston for real party in interest. Cause submitted.

B135382 Bennett
v.
Regents of University of California

Merits:

Argued by Ted Pelletier for appellant and by Louis Marlin for respondent.
Cause submitted.

Court adjourned

B143932 People (Not for Publication)
v.
Jeffrey Wayne Wright

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION TWO (Continued)

B134213 People (Not for Publication)
v.
Herman Lavelle Scales

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Todd, J.

DIVISION FOUR

B144621 People (Not for Publication)
v.
Samaniego

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B146114 People (Certified for Publication)
v.
Marcus T.

The matter is remanded to the juvenile court for further proceedings in accord with this opinion.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FOUR (Continued)

B138865 County of Los Angeles
v.
Ortega

Filed order denying request for publication.

DIVISION FIVE

B142087 Michael Lewschin (Not for Publication)
v.
Rebecca Thomas, as Successor Trustee etc.,

The appeal is dismissed. The trustee, Rebecca Thomas, is to bear her own costs on appeal.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B140076 Daniel R. Solin (Certified for Publication)
v.
O'Melveny :& Myers LLP
Edith Reich et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
Willhite, J. (Assigned)

B138748 Terry Herrera
v.
State of California Department of Real Estate

Filed order denying petition for rehearing.

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DIVISION SIX

B146587 People (Not for Publication)
v.
Loza

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B142740 People (Not For Publication)
v.
Sweeney

Filed order modifying opinion. Appellant's petition for rehearing is denied.
(No change in the judgment)

DIVISION SEVEN

B139600 People (Not for Publication)
v.
Montanez

That portion of the judgment reciting true findings on the firearm enhancement allegations is reversed and the cause is remanded to the trial court for resentencing. In all other respects the judgment is affirmed.

Lillie, P.J.

I concur: Johnson, J.
I dissent: Woods, J. (Opinion)

DIVISION SEVEN (Continued)

B133523 William M. Clines (Not for Publication)
 v.
 Martin Z. N. Katz Law Corporation et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.